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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,681	03/15/2002	Paul M. Fulton	GB 010165	4928

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

KOROBÖV, VITALI A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,681

Applicant(s)

FULTON ET AL.

Examiner

Vitali Korobov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/10/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is a first Office Action on the merits of this application. Claims 1-18 are presented for examination.

Paper Submitted

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: **Information Disclosure Statement** as received on 01/10/03 was considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph. Claim 6 recites "respective group of beacons". Failure to clearly indicate with respect to what or how the beacons are grouped renders this claim indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by the U. S. Patent 6,587,835 to Treyz et al. (hereinafter Treyz).

Regarding claim 1, Treyz teaches a communications system comprising: a transmitter beacon for transmitting a plurality of alert signals to wireless receivers within range of the beacon (Col. 13, lines 22-26 – transmitters for “local” communications), each alert signal being provided for prompting an alert message of the transmitter beacon (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc.); and a wireless receiver which stores interpretation data, selected interpretation data being used when an associated alert signal is received, thereby to generate the associated alert message at the mobile wireless device (Col. 9, lines 55-65 and Fig. 1 – handheld computing device 12; Col. 11, lines 24-27 – shopping lists is one example of interpretation data taught by Treyz. These lists are used by the user when store proximity messages are received).

Regarding claim 2, Treyz teaches a communications system as claimed in claim 1, wherein the interpretation data comprises sound or image files (Fig. 112, step 1072 – images presented to the user for selection).

Regarding claim 3, Treyz teaches a communications system as claimed in claim 1, comprising: a first group of beacon devices for wirelessly broadcasting data, the wireless receiver being for receiving data from the beacon devices of the first group (Col. 13, lines 22-26 – transmitters for “local” communications) wherein at least one of

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the beacon devices of the first group is arranged to provide the interpretation data to the wireless receiver to enable the wireless receiver to interpret signals from the beacon devices of the first group (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc.).

Regarding claim 4, Treyz teaches a communications system as claimed in claim 3, further comprising a second group of beacon devices for wirelessly broadcasting data (Col. 13, lines 38-46 - transmitters for "remote" communications), wherein the at least one wireless receiver is for receiving data from the beacon devices of the first and second groups (Col. 9, lines 59-67 – wireless receiver 12) and wherein at least one of the beacon devices of the second group is arranged to provide interpretation data to the wireless receiver to enable the wireless receiver to interpret signals from the beacon devices of the second group (Col. 13, lines 40-45 – examples of interpretation data that may be provided over beacon devices of a second group).

Regarding claim 5, Treyz teaches a communications system as claimed in claim 3, wherein the at least one of the beacon devices of the first group of beacons are arranged to receive data relating to the identity of the wireless receiver during the provision of the interpretation data (Col. 58, lines 5-12 – verification of identity of the user via handheld device 12).

Regarding claim 6, Treyz teaches a communications system as claimed in claim 5, wherein the at least one of the beacon devices of the first group of beacons comprise means for passing the data relating to the identity of the wireless receiver to the other

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beacon devices of the respective group of beacons (Col. 58, lines 13-23 – user identity may be also provided to the cash register system).

Regarding claim 7, Treyz teaches a communications system as claimed in claim 5, wherein the data relating to the identity of the wireless receiver comprises the identity and/or profile information concerning the wireless receiver (Col. 38, lines 28-32 – sending messages particular to the user based on the identity information).

Regarding claim 8, Treyz teaches a communications system as claimed in claim 5, wherein the other beacon devices of the first group of beacons each comprise filtering means to filter potential messages in dependence on the data relating to the identity of the wireless receiver (Col. 38, lines 28-32 – sending messages particular to the user based on the identity information).

Regarding claim 9, Treyz teaches a communications system as claimed in claim 1, wherein the interpretation data comprises content which can be displayed during a connection procedure (Col. 2, lines 32-37 and col. 11, lines 24-27 – GPS location interpretation data may be displayed during a connection procedure to download a shopping list).

Regarding claim 10, Treyz teaches a communications system as claimed in claim 1, wherein each beacon device is for broadcasting data using the Bluetooth protocol (Col. 13, lines 29-32 – Bluetooth connection).

Regarding claim 11, Treyz teaches a method of providing information to a mobile receiver from a beacon device, the method comprising: providing interpretation data to the wireless receiver to enable the wireless receiver to interpret signals from the beacon

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device (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc.); and providing a signal from the beacon device when the wireless receiver is within range of the beacon device, the wireless receiver interpreting the signal using the interpretation data (Col. 13, lines 22-26 – transmitters for “local” communications).

Regarding claim 12, Treyz teaches a method as claimed in claim 11, wherein the beacon device is one of a group of beacon devices (Fig. 15 is a schematic diagram of a system that includes multiple local wireless transmitter/receivers), and wherein the interpretation data is provided to the wireless receiver from a second beacon device when the wireless receiver is within range of the second beacon device (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc.).

Regarding claim 13, Treyz teaches a method as claimed in claim 11, wherein the interpretation data is provided to the wireless receiver during a preload operation remote from the beacon device (Col. 2, lines 32-37 and col. 11, lines 24-27 – GPS location interpretation data is provided during preload operation).

Regarding claim 14, Treyz teaches a method as claimed in claim 13, wherein the preload operation is carried out over the internet (Fig. 2, communication network 32, which, according to col. 10, lines 56-62 may include the Internet).

Regarding claim 15, Treyz teaches a method as claimed in claim 11, wherein the interpretation data comprises sound files (Col. 49, lines 29-36).

Regarding claim 16, Treyz teaches a method as claimed in claim 11, wherein the signal is provided using the Bluetooth protocol (Col. 13, lines 29-32 – Bluetooth connection).

Regarding claim 17, Treyz teaches a method as claimed in claim 16, wherein the signal is provided as a data field within the Inquiry signal of the Bluetooth protocol (Col. 13, lines 29-32 – Bluetooth connection. Under the Bluetooth protocol, the payload is inherently provided in the data field).

Regarding claim 18, Treyz teaches a method as claimed in claim 11, wherein the wireless receiver is movable between a plurality of groups of beacon devices, and wherein the method comprises: providing interpretation data from a first beacon device within each group to the wireless receiver when the wireless receiver is within range of the first beacon device (Fig. 13, wireless transmitter/receiver at the merchant's site 178. Col. 3, lines 1-5 – proximity messages from a merchant); and providing a signal from a second beacon device within the group when the wireless receiver is within range of the second beacon device, the wireless receiver interpreting the signal using the interpretation data (Fig. 14 shows a second merchant's site 178, providing proximity messages to the shopper).

5. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/28/2005
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SALEH NAJJAR
PRIMARY EXAMINER

Vitali Korobov
Examiner
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